

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

MAUREEN HOGAN,

Plaintiff,

-against-

GC SERVICES, LP,

Defendant.

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E.D.N.Y.

★ JAN 28 2013 ★

LONG ISLAND OFFICE

COMPLAINT

**CV-13 0500**

**FEUERSTEIN, J  
BOYLE, M**

NOW COMES Plaintiff, Maureen Hogan ("Plaintiff"), by and through her attorneys, Krohn & Moss, Ltd., for her Complaint against Defendant, GC Services, LP ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

Parties

2. Plaintiff is a natural person residing in South Hampton, Suffolk County, New York.

3. Plaintiff is obligated or allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

4. Defendant is a business entity with an office located at 6330 Gulfton Street, Houston, Texas 77081.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Defendant conducts business in the State of New York establishing personal jurisdiction.

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant contacts Plaintiff attempting to collect a debt on behalf of American Express for credit card transactions that Plaintiff made for personal, family and household purposes.

11. In its collection attempts, Defendant started placing telephone calls to Plaintiff, (631) 599-34xx, beginning around the end of November 2012.

12. When Plaintiff is unable to answer Defendant’s collection calls, Defendant leaves Plaintiff voice message. *See* two transcribed messages as Exhibit A hereto.

13. Defendant identifies the name of the individual collector / employee and asks Plaintiff to return the call, claiming it is “important.” *See* Exhibit A.

14. Defendant does not identify its business name and simply gives Plaintiff a telephone number to call for the individual collector, (877) 710-8001 extension 3080, which is a telephone number assigned to Defendant. *See* Exhibit A.

15. Defendant's messages also failed to advise Plaintiff that it is a debt collector. *See* Exhibit A.

16. Defendant uses deceptive and misleading messages in connection with its attempts to collect the alleged debt by not identifying itself, the purpose of its phone calls, or that it is a debt collector.

CLAIM FOR RELIEF

17. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress or abuse Plaintiff in connection with the collection of a debt;
- b. Defendant violated §1692d(6) of the FDCPA by failing to provide Plaintiff with its identity in its messages for Plaintiff;
- c. Defendant violated §1692e(10) of the FDCPA by using deceptive means to attempt to collect the debt; and
- d. Defendant violated §1692e(11) of the FDCPA by failing to disclose in its messages that it is a debt collector.

18. Plaintiff is entitled to her attorney's fees and costs incurred in this action.

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: January 17, 2013

KROHN & MOSS, LTD.

By: 

Adam T. Hill

KROHN & MOSS, LTD.

10 N. Dearborn St., 3rd Fl.

Chicago, Illinois 60602

Telephone: 312-578-9428

Telefax: 866-802-0021

ahill@consumerlawcenter.com

Attorneys for Plaintiff

## EXHIBIT A

This message is for Maureen Hogan, this is (collector's personal name) please return the call back, it's important. The number to reach me is 877-710-8001, extension 3080. Thank you.